

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GEBAUER *et al.*

Appl. No.: 10/581,891

Int'l Filing Date: December 8, 2004

For: **7-Amino-5-Halopyrazolopyrimidines
With a Fungicidal Action**

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 2400.0480000/VLC/BSA

Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Mail Stop PCT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP3** and **NPL1** to **NPL2** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents, **US1** to **US4**, cited on the attached IDS Form, PTO/SB/08A, are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents **FP1**, **FP2**, and **FP3** cited on Form PTO/SB/08A:

Document **FP1**, DE 31 30 633 A1, is in a foreign language. It is believed that document **US1**, US 4,567,263, is an English language equivalent to document **FP1**.

Document **FP2**, FR 2 794 745 A1, is in a foreign language. An English language abstract of document FP2 is attached as document **NPL2**.

Document **FP3**, WO 2004/041825 A1, is in a foreign language. An English language abstract of document FP3 is provided on the face page of the document. Additionally, it is believed that document **US4**, US 2005/0272749 A1, is an English language equivalent to document FP3.

Documents **FP2** and **FP3** were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38. The search report is attached as document **NPL1** on the IDS Form, PTO/SB/08B.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Attorney for Applicants
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Date: 3-30-07

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/581,891
				Int'l Filing Date	December 8, 2004
				First Named Inventor	GEBAUER, Olaf
				Art Unit	<i>To Be Assigned</i>
				Examiner Name	<i>To Be Assigned</i>
				Attorney Docket Number	2400.0480000/VLC/BSA
Sheet	1	of	1		

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Examiner Signature		Date Considered	
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sheet	1	of	1	Attorney Docket Number	2400.0480000/VLC/BSA

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL1	International Search Report for International Application No. PCT/EP2004/013939, European Patent Office, Netherlands, mailed on April 21, 2005	
	NPL2	Dialog File 351, Accession No. 10503903, English language abstract for FR 2 794 745 A1 (listed as document FP2 on accompanying PTO/SB/08A)	

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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